
	BRANDEIS UNIVERSITY POLICE DEPARTMENT USE OF CELL PHONES	
Policy Number:	1.5.4	PAGE: 1 of 4
Policy Type:	GENERAL ORDER	
Issue Date: 11.14.22 Review Date: 11.14.24 Revised: 5.24.23	Issuing Authority:  Chief Matthew T. Rushton	
Accreditation Standards (6th Edition) <ul style="list-style-type: none"> • New 81.2.10 • Revised • Amended 		

I. PURPOSE

The purpose of this policy is to provide law enforcement employees with guidelines for the proper use of cell phones while on duty. We must set the proper example for citizens. Using a cell phone while operating a department vehicle is distracting and may result in a collision.

II. POLICY

It is the policy of this department to:

- A. Use cell phones in the course of police operations to enhance departmental communication; and
- B. Limit cell phone use by employees to conducting official business when the use of radio communication or hardline telephones is inappropriate, unavailable, or inadequate to meet communication needs, and when the cell phone is used in accordance with this policy.

III. POLICY GUIDELINES FOR USE OF CELL PHONES

- A. Department Owned Cell Phones **[81.2.10 (1.A)]**
 - 1. Cell phones are only authorized for official police business, unless otherwise allowed for other use by employment contract. Exceptions may be made for pressing family situations or personal matters that require attention and where alternative forms of communication are not suitable or easily available.
 - 2. Any additional financial charges incurred by cell phone use should be limited and clearly linked to the necessity to use cell phones when other alternatives are inappropriate or not available. Employees will be responsible for any additional charges incurred for personal use.

B. Personal Cell Phones [81.2.10 (2.A)]

1. Authorization: Employees electing to carry personally owned cell phones while on duty must provide the department with the telephone number.
2. Liability:
 - a. The department is not responsible for loss or damage to personal cell phones while on/off duty outside that of which is covered in the employees bargaining agreement.
 - b. Use of personal cell phones is governed by the same safety restrictions as provided for departmentally owned cell phones.

C. Use of cell phones while on duty [81.2.10 (1.A, 2.A)]

1. Generally
 - a. Cell phones should not be used if they may be disruptive to others.
 - b. Ringer: Cell phone rings should be set to silent or vibrate in situations where a cell phone ring could be disruptive, such as meetings, court, etc.
2. Attributes: Ring tones, covers or screens shall not be offensive in any manner as determined by the Chief of Police.
3. Distraction: A cell phone shall not be used when it would unnecessarily or unreasonably divert the attention of an employee from official duties and/or cause a potentially hazardous situation.
4. Communications
 - a. Cell phones are an augmentation to the department's communication system, not a substitute for radio communication designated for transmission through the department's emergency communication center recorded lines.
 - b. Approved cell phone usage includes but is not limited to the following types of communications:
 - 1) Conveyance of sensitive or restricted information;
 - 2) Lengthy communication with supervisors or other personnel;
 - 3) Undercover operations;
 - 4) Communication beyond normal radio range;
 - 5) Incidents in which direct contact with an employee and the public is critical; and,
 - 6) Incidents in which the use of a hardline telephone would be appropriate but where one is not available.
 - c. Employees should not use cell phones for car-to-car communication when other means are available and appropriate unless such use is specifically authorized or encouraged by applicable department policy.

- d. Use of personal cell phones either in voice or data transmission while on duty should be restricted to essential communications and should be limited in length. Engagement in multiple or extended conversations unrelated to police business or similar use that interferes with the performance of duty is prohibited.
 - e. Police reports may not be taken using the cell phone unless such reporting over a land line phone would be authorized. The phone may be used to contact the victim or complainant and arrange a meeting time and place.
5. Cell phone numbers
- a. Cell phone numbers should not normally be provided to members of the public. Exceptions may be made when immediate future contact between an employee and a victim, witness, or other person may be critical.
 - b. Personnel may not provide the cell phone number of any member of this department to a member of the public without the cell phone user's authorization.
6. Images
- a. The uses of photo messaging capabilities are prohibited unless they can be clearly linked to the conduct of official police business.
 - b. Any images captured during the course of an employee's duties are considered to be department documents and may only be distributed in accordance with department policy. See the department policy on Records Management.
7. Vehicle operation: Employees may not operate department vehicles while using cell phones unless emergency circumstances exist, and other means of communication are not available or suitable. When possible, employees should pull off the roadway in a safe location when using cell phones unless hands-free operational devices are authorized and available.
- D. MGL. c271 s51 An Act Relative to Taking or Transmitting Images of Crime Victims by First Responders "Amanda's Law"
1. Generally
- a. Chapter 271 of the Massachusetts General Laws was amended by adding Section 51, an act relative to taking or transmitting images of crime victims by first responders. Section 51 is effective November 2nd 2022, and states the following:
 - i. Subsection (a): As used in this section, the following terms shall have the following meanings unless the context clearly requires otherwise:
 - 1. First Responder: A Law Enforcement Officer, a paid, call, reserve or volunteer Firefighter, a paid, call, reserve or volunteer Emergency Medical Technician, or any other person whose usual and regular duties include rendering assistance at the scene of a crime, accident, or other emergency.

2. Immediate Family Member: A spouse, child, step-child, adopted child, sibling, step sibling, adopted sibling, parent, step-parent, legal guardian, adoptive parent, grandparent or grandchild.
- ii. Subsection (b): No first responder who responds to or is otherwise present at the scene of a crime, accident or other emergency in the performance of the first responder's official duties shall take a photographic or digital image of a victim of a crime, accident or emergency unless the first responder takes the photographic or digital image:
 1. In the performance of the first responder's official duties; or
 2. Upon the consent of the victim or, if the victim is unable to consent, an immediate family member of the victim; provided, however, that this subsection shall not apply to the use by a first responder of body-worn cameras or cameras mounted on a first responder's vehicle.
 - iii. Subsection (c): No first responder shall, other than in the performance of the first responder's official duties, transmit, disseminate or otherwise make available to a third person a photographic or digital image of a victim of a crime, accident or emergency without the consent of the victim or, if the victim is unable to consent, an immediate family member of the victim; provided, however, that this subsection shall not apply to the use by a first responder of body-worn cameras or cameras mounted on a first responder's vehicle.
 - iv. Subsection (d): A first responder who knowingly violates subsection (b) or (c) shall be punished by a fine of not more than \$2,000, by imprisonment for not more than 1 year or by both such fine and imprisonment.